

In re Application of: **STAMFORD** et al.
Serial No.: 10/026,651
Filed: December 18, 2001

Remarks

This paper is in response to the Official Action dated August 4, 2004, for the above-identified application. A response to the office action was originally due on November 4, 2004. Applicants are filing this response with a request for a two-month extension of time, herein attached, thus making this response due on January 4, 2005.

Claims 1-4, 12-14, 21-23 and 25-31 are pending in the application. Claims 1-4, 12-14, 21-23 and 25-31 have been rejected. Applicants have amended claims 1 and 12-14. No new subject matter has been added to the subject application with the filing of this response. Applicants reserve their right to file divisional applications on the subject matter that has been subject to restriction and continuation applications on the subject matter that has been deleted out of all currently amended claims.

Supplemental IDS

Applicants are filing a reference via a Supplemental Information Disclosure Statement and PTO-1449 form, to which applicants respectfully request the entry of said reference into the record.

35 USC §112, Second Paragraph

The Examiner stated that claims 1-4, 12-14, 21-23 and 25-31 are rejected under 35 U.S.C. 112, second paragraph, because the Examiner believes that the term "and/or" to be indefinite.

In response, applicants have amended claims 1 and 12-14, as suggested by the Examiner, by deleting the term "and/or", thereby rendering the §112, second paragraph rejection moot. Applicants therefore, respectfully request the withdrawal of this rejection.

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35 USC §112, First Paragraph

The Examiner stated that claims 1-4, 12-14, 21-23 and 25-31 are rejected under 35 U.S.C. 112, first paragraph, because the Examiner believes that the term hydrate is not enabled.

The Examiner supported this position by citing the Wands factors, (see Ex parte Forman, 230 USPQ at 547; Wands, In re. 858.F. 2d 731. 8 USPQ 2d 1400. Fed. Cir. 1988)

In response, applicants have amended claims 1 and 12-14, as suggested by the Examiner, by deleting the term hydrate, thereby rendering the §112, first paragraph moot. Applicants therefore, respectfully request the withdrawal of this rejection.

Non-Elected Subject Matter

The Examiner stated that claims 1-4, 12-14, 21-23 and 25-31 contain non-elected subject matter. However, applicants respectfully disagree with the Examiner's belief in that they have amended claim 1 to conform with the elected subject matter of the reply filed on March 5, 2003, i.e. pyrazines, etc.. No change of inventorship is necessary. Therefore, applicants respectfully request the withdrawal of this objection.

Applicants respectfully submit that in view of the above response, applicants have sufficiently addressed the Examiner's rejections, objections and that the application, as amended, is in condition for allowance.

If any additional fees are determined to be due by this paper, the Commissioner is hereby authorized to deduct such fees from **Account No. 19-0365**.

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The Examiner is requested to call the undersigned attorney on any matter connected with this application.

Respectfully submitted,



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